

REMARKS

The Official Action of June 5, 2003 has been carefully considered and reconsideration of the application as amended is respectfully requested.

Claims 1-15 have been canceled and replaced with new claims 16-36. The new claims are free of the rejections noted at paragraphs 1 and 2 of the Official Action. In particular, the new claims do not use the allegedly objectionable terms "chemical crosslinking" or "polymer of copolymer" or "lower molecular weight". Moreover, the new claims are free of "preferable" ranges and proper antecedent basis has been provided for applicable terms. All claims presently on file are believed to be sufficiently definite to satisfy the dictates of 35 USC 112, second paragraph. Moreover, with particular respect to the rejection appearing at paragraph 15 of the Official Action, the "use" claims have been replaced with method of use claims that positively recite the method steps in accordance with the disclosure in the specification at, for example, the paragraph bridging pages 8 and 9.

Certain claims were rejected under 35 USC 102(b) as allegedly being anticipated by Romenesko et al and Harashima et al. Certain claims were rejected under 35 USC 102(b) as allegedly being anticipated by Takahashi et al. Certain claims were rejected under 35 USC 102(b) as allegedly being anticipated by Harashima et al. Certain claims were rejected under 35 USC 103(a) as allegedly being unpatentable over Harashima et al. Applicants respectfully traverse these rejections.

Romenesko et al (US 5,391,594) teach free flowing silicone polymer powders prepared by admixing a polysiloxane and a silica filler and useful as organic resin

modifier to improve the burn character of the modified resin. As the Examiner correctly realized, there is no crosslinking occurring in the powder.

Takahashi et al (US 5, 346,932) teach a polysilsesquioxane silicone powder prepared by cohydrolysis and silanol-condensation of a mixture of trialkoxy silanes having one of the specific silicon-bonded groups, such as cyanoalkyl and fluoroalkyl. The average particle diameter of silicone rubber powders in the examples is 1.2 microns, 1.8 microns and 3.5 microns (see column 8, line 65 and column 9, line 12). Such polysilsesquioxane silicone powder can serve as an absorber of the energy of microwaves to generate a quantity of heat sufficient to cause curing of the composition containing the same (see column 4, lines 26 to 32).

Harashima et al teach a cosmetic composition which contains silicone rubber powder containing 0.5 to 80 percent by weight of a silicone oil wherein the silicone oil is incorporated into the silicone rubber powder prior to the cure of the silicone rubber powder. According to the disclosures of Harashima et al., it is obvious that the silicone oil serves as an ingredient of the cosmetic composition, and Harashima et al neither indicate whether the silicone oil is cured during the irradiation nor pay attention to this matter. In contrast, the claims require that silicone oil as starting material be fully cured to form silicone rubber powders. Although Harashima et al suggest that silicone rubber powder can be prepared by irradiating silicone dispersion using high energy beams, according to the description of Harashima et al, what is cured is obviously high-energy-beam-curable silicone rubber compositions rather than silicone oil (see column 4, lines 41 to 44). There is nothing to show or suggest irradiating silicone oil latex as starting material on the basis of the teaching of

Harashima et al.

In contrast, the present claims require a fully vulcanized powdery silicone rubber obtained by vulcanizing silicone oil latex with irradiation. Separated silicone oil particles are suspended in the silicone oil latex, and crosslinking occurs within individual silicone oil particles so that rubber particles obtained after drying maintain un-bonded form, are easy to be uniformly dispersed in a resin and maintain the relatively small particle size of the silicone oil particles in the feed latex. Such relatively small particle size imparts desirable properties to the fully vulcanized powdery silicone rubber of the claimed invention so that it can be used as toughening agent, processing aid for plastics, or as additives for cosmetics, ink, paints and coatings.

None of the cited references shows or suggests powdery silicone rubber with relatively small particle size obtained by irradiating silicone oil latex. Therefore, the references are respectfully considered to be incompetent to set forth even a *prima facie* case of obviousness for the invention as claimed.

Claims 23 and 38 and the claims depending therefrom are directed to a method for preparing fully vulcanized powdery silicone rubber, which comprises or consists essentially of vulcanizing a silicone oil latex by means of irradiation. The starting material of the claims is different from that of Harashima et al, and the method is very simpler.

As discussed above, Harashima et al teach a cosmetic composition which contains silicone rubber powder containing 0.5 to 80 percent by weight of a silicone oil. In one process, silicone oil is mixed with high-energy-beam-curable silicone

rubber compositions. Then the resulting mixture is atomized and cured while high-energy beams are irradiated (see Harashima et al at column 4, lines 41 to 44).

As stated above, although Harashima et al suggest that silicone rubber powder can be prepared by irradiating silicone dispersion using high energy beams, according to the description of Harashima et al what is cured is obviously high-energy-beam-curable silicone rubber compositions rather than silicone oil. There is nothing in Harashima et al to show or suggest the use of silicone oil latex as a starting material. Moreover, in teaching the irradiation of the aforementioned compositions, Harashima et al teach away from the irradiation a starting material consisting or consisting essentially of silicone oil (see claim 38).

In view of the above, it is respectfully submitted that all rejections and objections of record have been overcome and that the application is in allowable form. An early notice of allowance is earnestly solicited and is believed to be fully warranted.

Respectfully submitted,

A handwritten signature in dark ink, appearing to read "CJM" followed by a stylized signature and the number "1025,858".

CLIFFORD J. MASS
LADAS & PARRY
26 WEST 61ST STREET
NEW YORK, NEW YORK 10023
REG. NO.30,086(212)708-1890